



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

1894166 - R8 SDMS

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roger Nober, Esq.
Executive Vice President, Law and Corporate Affairs
Burlington Northern Santa Fe, LLC
2650 Lou Menk Drive
Fort Worth, Texas 76131-2830

Re: Request for Information Pursuant to Sections 104(e) and 107 of CERCLA for the Illinois Gulch Site, southeast of Breckenridge, in Summit County, Colorado, Superfund #A8-88.

Dear Mr. Nober:

This letter seeks your cooperation in providing information and documents relating to the Illinois Gulch Site, located southeast of Breckenridge, in Summit County, Colorado (Site). A map depicting the Site and its associated mines and workings is enclosed as Enclosure 1. The Environmental Protection Agency is investigating the identification, nature and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of the release of hazardous substances, pollutants or contaminants at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to the authority of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. section 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 2, attached hereto. Specifically, the EPA has information that Burlington Northern Santa Fe, LLC (BNSF) is successor to Colorado and Southern Railway Company (CSRC). Further, CSRC acquired a railroad which ran across the Site from the Denver, Leadville and Gunnison Railway Company in 1898. CSRC is suspected to have operated this railway route until 1937.

Please respond to the Information Request within 60 days of receipt of this letter. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA, and the imposition of penalties of up to \$55,907 per day of non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. section 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. section 3501, *et seq.*

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that

CONCURRENCES	Author + ext.	Print 1 st initial + last name	S. ZAYNARD	DRM	DAW	DMR	CF	DM		
	M. Rudy	Office code	8ENF-RC	8ENF-RC	ENF-L	ENF-L	8ENF-L	8ENF-RC		
	6332	Date	2/6/18	2/6/18	2/8/18	2/11/18	2/15/18	2/16/18		

the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 3.

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 8
Attn: Mike Rudy (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Douglas Naftz, EPA Enforcement Attorney, at (303) 312-6942 or Mike Rudy, EPA Enforcement Specialist, at (303) 312-6332. Thank you for your cooperation in this matter.

Sincerely,

Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Douglas Naftz, 8ENF-L
Jean Wyatt, 8EPR-AR
Peter Stevenson, 8EPR-ER
Mike Rudy, 8ENF-RC
SEMS IMC (Dianna Lim), 8EPR-PS

ROUTING AND TRANSMITTAL SLIP

Date
02/06/18

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Sue Zaynard (proof)	<i>sz</i>	2/6/18
2. Mike Rudy	<i>MR</i>	2/6/18
3. Doug Naftz	<i>DN</i>	2/8/18
4. Andrea Madigan	<i>am</i>	2/12/18
5. Chris Thompson	<i>cr</i>	2/15/18
6. Aaron Urdiales	<i>AU</i>	2/16/18
7. IO – ECEJ (Signature) <i>Concurred 2/21/18</i>	<i>EB</i>	2/21/18
8.		
9.		
10. Sue Zaynard (date, scan, and distribute)		
11.		
12.		
13.		
14.		
15.		

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

Please retitle Encl. 2 "Information Request" per #2 of letter. Number pages for this enclosure & "Instructions" should be 1st section (not title of Encl. 2). Consider eliminating page breaks in this enclosure.

SRB

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Mike Rudy

Room No. – Bldg.

Phone No. 312-6332